

**WATERBURY PLANNING COMMISSION
WATERBURY DEVELOPMENT REVIEW BOARD**

Draft Joint Meeting Minutes

Monday, May 22, 2017

Planning Commission: Chair: Ken Belliveau, Becca Washburn, Eric Gross
Development Review Board (DRB): Dave Frothingham, Tom Kinley, Michael Bard, Bud Wilson

Staff: Steve Lotspeich, Community Planner; Dina Bookmyer-Baker, Zoning Administrator; Patti Spence, Secretary

Public: Lovell Beaulieu, Waterbury Record

The Chair opened the meeting at 7:05 p.m. at the Municipal Center at 28 N. Main Street.

AGENDA REVIEW AND MODIFICATIONS

There were no changes made to the agenda.

ANNOUNCEMENTS AND COMMENTS

Steve mentioned the VLCT Spring Planning and Zoning Forum to be held in Fairlee on June 14th. Steve will be registering participants. Deadline is June 7th to avoid the late fee.

There were no members of the public at the meeting to provide comments.

WATERBURY ZONING REGULATIONS - RE-WRITE

Brandy Saxton of the planning firm Place Sense has been hired as the consultant for this project.

Steve would like to make the organization and the format of the regulations as a priority. Brandy needs some direction on this aspect of the project. Several documents related to how we will organize the re-written Regulations were distributed.

DRB comments on issues for the re-write:

1. Waivers are sometimes “rubber stamped” because their request does not match up well with the Conditional Use review criteria. Models from other municipal zoning regulations that allow for more flexibility were discussed. We need to decide what we want to achieve with the review of waiver requests? Steve L. will follow up by providing some examples of these other approaches to consider.
2. The challenges of meeting the parking requirements for development in the downtown area was discussed. Having the Village Trustees allocate the same public parking spaces multiple times does not make sense. Models for addressing the downtown parking issue will be considered, including the parking bylaws for downtown Montpelier.
3. Regarding home based businesses, The DRB would like to have a home industry bylaw considered to address issues such as the limits on the percent of the living space that can be utilized for home occupations under our current Zoning Regulations. A second category or home industry could be considered that can require review by the DRB to

address issues such as outside storage of materials, screening, and noise generation.

Note: Brandy has a model she will share with use.

3. Master planning for future phases of a subdivision was discussed. There is some reluctance to re-open the subdivision regulations since a more robust set of subdivision regulations was previously turned down by the Select Board.
4. It was commented that our signage regulations need to be amended and simplified to make the regulations more content neutral and address the recent Supreme Court case of Reed vs. the Town of Gilbert and subsequent case law. We may not be allowed to have different standards for residential and commercial uses in a given zoning district. We have grant funds that will be utilized for a legal review of the draft amendments to our sign regulations.
5. Regarding the Ridgeline, Hillside, Steep Slope Regulations, it was suggested to eliminate the separate review for Minor Development projects in areas between 1,200 and 1,500 feet in elevation. The Conditional Use criteria that currently apply to proposed Minor Development projects often do not seem applicable and appropriate to the review. The wildlife, natural habitat, and visual analysis criteria that apply to Major Development are more specific and defensible.
6. The review requirements relative to requests for residential private use solar and wind power projects that are not net metered need to be addressed. Specific standards are not currently included explicitly in the Municipal Plan.

Planning Commission comments:

1. We should look at the use regulation table and consider the range of allowed uses for each zoning district. Other zoning regulations such as Williston have a table for each zoning district along with a purpose for the district. We should consider this model.
2. We need to consider where we can encourage more multi-family use in our village zoning districts.
3. Regarding the dimensional table, we should do an inventory of the current building setbacks in our denser areas to see where setback requirements should be more realistic. The setback requirements should more closely reflect what the actual existing building setbacks.
4. The setbacks to the rights-of-way for shared driveways and private roads needs to be addressed. The requirement to have the setbacks be to the edge of the right-of-way for roads serving more than five dwelling units or lots can be problematic, especially for subdivisions that are created in phases. This is an instance where requiring a master plan for the ultimate subdivision is helpful. Note: The Town of Warren may have a good model that addresses this situation.

Other comments:

1. It will be important to consider input from the Select Board and Trustees early on in this re-write process to make sure they support certain changes being considered to the current regulations. Their input should be sought sooner in the process than in the past.
2. The PC is working on a energy plan with the CVRPC. The draft is due by the end of July. Under the state energy bill, Act 174, if a municipal energy plan prohibits a certain type of renewable energy generation facility, such as industrial wind in certain areas, the zoning regulations must prohibit all development in those same areas.

3. In order to make the regulations searchable, it is much more effective to have the bylaws compartmentalized by zoning district. That way keyword searches are effective and it is much easier to find key provisions electronically.
4. It was suggested that we consider the way the Town of Williston regulations are laid out with all the administrative bylaws in the beginning.
5. Regarding how definitions are handled, the Williston regulations use the North American Industrial Classifications System (NAICS) to define all uses. This approach has been more defensible in court cases.
6. We should check the draft Montpelier regulations in terms of describing the review process. The regulations use a flowchart format as far as being able to more easily determine the channel that different types of applications need to follow. Brandy Saxton assisted with drafting the Montpelier regulations and can assist us in looking at this aspect.

ENERGY PLANNING PROJECT

We should have the input/analysis from CVRPC by the next PC meeting on June 12th. Ken asked if the Conservation Commission (CC) had been approached for their input. Steve said that Joan Beard with the CC attended the last energy planning training at CVRPC. Both the CC and Waterbury LEAP are groups that should be brought in to the conversation on this project. It was agreed to invite members of the CC and Waterbury LEAP to the PC meeting on June, June 26th. Steve will set up a time to meet with the CC prior to June 26th to go over the energy mapping and solicit their input on the natural resource constraints shown on the maps. Then any recommended changes to the maps could be discussed and finalized on June 26th.

OTHER BUSINESS

REVIEW AND APPROVAL OF MINUTES

MOTION:

Eric Gross moved and Becca Washburn seconded the motion to approve the Planning Commission minutes for May 8th, 2017, as amended.

VOTE: The motion was approved 3-0.

PLANNER'S REPORT

Steve mentioned some appeals that have been made to DRB hearing decisions. One has been resolved out of court. The two other appeals are still in process.

The draft Final Report for the Colbyville ped/bike scoping study has been sent to VTrans for comment. The project is near completion.

ADJOURNMENT

The meeting was adjourned at 9:00 pm.

Respectfully submitted,

Patti Spence
Secretary